1 – Limited increase in annual appropriation

- Nearness to consensus: very close
- Issues:
  - Define the minimum amount or range of funding to be recommended
  - Define the amount of time before the additional targeted appropriation sunsets
- Proposed recommendation language (revised):
  - Recognizing the adverse impacts (including inability to implement fairness reforms) caused by inadequate funding, the Subcommittee supports an increase in the annual appropriation to the Superfund Response and Cleanup Activities portion of the Superfund Account of $300 million for FY 2005 – 2009 to be used for orphan shares in removals, remedial actions, and long-term response actions.

Calculation of $300 M and sunset:

- Estimated total cost to EPA of the Superfund Program FY 2000 – 2009: 14.5 billion
  - Base case from RFF study table ES-1, less NIEHS now separate funding
- Estimated appropriations to Superfund Program FY 2000 – 2004: 6.5 billion
  - 1.3 billion / year for 5 years
- 10 year cumulative shortfall: 8.0 billion
- Annual total appropriation to the Superfund program to make up the shortfall: 1.6 billion
- 1.6 – 1.3 = 300M / year for 5 yrs (FY 2005-2009)

2 – Criteria for listing, role of cost

- Nearness to consensus: very close
- Main issues:
  - Move the idea of coordination into recommendation 3
  - Refine discussion of the role of EPA Headquarters
- Process:
  - Meridian/Ross redrafts/consult and float text

3 & 4 – Coord. with states, Tribes, etc., & Earlier involvement of communities & PRPs

- Nearness to consensus: very close
- Main issues:
  - More fully reflect concerns about not impinging upon EPA's discretion to make listing decisions.
- Process:
  - Meridian/Ross redrafts/consult and float text

5 – other programs

- Nearness to consensus: needs more work
- Main issues:
  - Strong views pro and con about other programs
  - Concern that recommendation language creates a new criterion for NPL listing and impinges on EPA's discretion
  - Concern about supporting text on specifics of other programs (proposal: analyze more or delete)
- Process:
  - Small group (need to determine leads)

6 – HRS

- Nearness of consensus: needs more work / close
- Main issues:
  - Clarify that this is not calling for a major overhaul / evaluation of the HRS, system will still function as a broad screening tool
  - Consider whether more specific wording is possible – is "accurately" may not be the best term
  - Cross-reference recommendations on coordination with states, Tribes, etc., and earlier involvement of communities, PRPs.
- Process:
  - Meridian/Ross redrafts/consult and float text

7 – Setting priorities among listed sites

- Nearness to consensus:
  - Very close / there on transparency aspect
  - Very close / there on the factors
  - Need to work out additional direction on defining priorities

- Main issues:
  - Separate transparency recommendation from prioritization
  - Work out additional advice on using factors to define priorities (e.g., explore suggestion of creating tiers)
  - Human health threats generally may be highest priority, but other threats and other management factors can't be ignored and may drive on a site-specific basis

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7 – Setting priorities, continued

- Process:
  - Meridian/Ross redraft/consult and float text
  - Small group/conference call works on defining priorities (Vicky, Dick Stewart, others)

8 and 9 – Resources to cleanup and independent audit

- Nearness to consensus: very close
- Main issues:
  - More fully define "on-the-ground cleanup"
  - Remove language on Appropriators (p. 52)
- Process
  - Meridian/Ross redraft/consult and float text

10 – Leveraging other resources

- Nearness to consensus: very close / there
- Main issues:
  - Need to cross reference / consider grouping with other recommendations dealing with other programs (5 and 18)
- Process:
  - Meridian/Ross redraft/consult and float text

11 – Contract reforms

- Nearness to consensus: very close
- Main issues:
  - Need to figure out additional detail on GFPR contracts
- Process:
  - Information sharing and conference call

12 – Annual report

- Nearness to consensus: very close / there
- Main issues:
  – Need to draft brief supporting text
  – Check past GAO recommendations on contract reforms for integration possibilities
- Process:
  – Check GAO reports / information sharing
  – Meridian/Ross redraft/consult and float text

13 – Transparency for sites screened out during site assessment

- Large number of sites
- Nearness to consensus: very close / there
- Main issues:
  - Can we shorten the text of the recommendation?
  - Clarify that this would use existing information
- Process:
  - Meridian/Ross redraft/consult and float text

14 – Transparency for NPL candidate sites that aren't proposed for listing

- Small number of sites
- Nearness to consensus: very close, if drop legal language
- Main issues:
  - Can we shorten the text of the recommendation?
  - Clarify that this would use existing information
- Process:
  - Meridian/Ross redraft/consult and float text

Prevention

- Nearness to consensus: needs more work
- Main issues:
  - Acknowledge positive actions/progress where ongoing
  - Possible reference to other current efforts on financial assurance (EFAB, Hardrock Mining, RCRA enforcement policy, EPA/ASTSWMO effort on RCRA financial assurance)
- Process:
  - Small group work (Lexi, Glen lead)

Possible Reorganization of Mega Sites Section

- Limited Background Discussion on Key points (revised by small group) – present those points where consensus exists
    - Gained a better understanding of the mix of sites that are becoming mega currently
        - Some notable data there (megas are not significantly different from other NPL sites)

Possible Reorganization of Mega Site Section (cont)

– Clear that are there are some really big sites that are costing a lot of money

– Found it very difficult to get a clear a clear understanding of what is coming down the road

– Hard to gauge costs

– New Recommendation: EPA should have a better understanding of the potential future work associated with mega sites and more of an ability to predict what is coming down the road

Possible Reorganization of Mega Site Section

- Recommend a Mega Site Strategy with following components (builds on current Agency strategies and draft recommendations)
  - Management
    - **Recommendation 15 – put the best people on the biggest problems**
      - Nearness to consensus: very close / there
      - Main issues: Personnel/expertise/centers of excellence
    - **Recommendation 16 – expanded site investigations, move to discussion in this and NPL section, point is do more assessment only where it's needed**.

Possible Reorganization of Mega Sites Section

- – Creative Financial Mechanisms
  - Financial assurance approaches **(new draft language)**
- – Planning
  - Recommendation 17 – understand geographic dimensions/implications (needs more work)
  - Recommendation 18 – Coordinating Committee – very close

Possible Reorganization of Mega Sites Section

- Scenarios (present two or more)
  - Pine
  - Weeping Willow
  - Oak
  - Maple

MPP Revisions - Titles of Sub-sections

- Primary National Measures
- Measures of Program Performance
- Measures of Coordination and Collaboration

Recommendation #20

EPA should integrate the Priority National Measures into its national level reporting requirements, including but not limited to Government Performance and Results Act (GPRA) goals, the goals developed in EPA's Strategic Plan, EPA's Annual Performance Goals developed for the Annual Performance Plan, OMB performance measurement efforts and <u>some may be applicable to</u> the cross- program measures for the One Cleanup and Program.

Primary National Measures

- <u>Definition</u>: Overall program-level performance measures for which numeric, external targets are set and program level consequences (e.g. funding) are based on whether those targets are met or not.   These should be applied as appropriate for various performance measurement purposes.

Revised Primary National Measures

Measures Reflecting Subcommittee Consensus

- **Number of constructions complete at the site level** (the current measure)
  (include statement to address the tracking of sites "de-construction completed")
- **Number of sites delisted**

Revised Primary National Measures

Very close to Subcommittee Consensus

- **Number of sites where all cleanup goals have been achieved** (there is a redundancy concern between this measure and the delisted measure. Some subcommittee members believe that the two are unique and should both be included)

- **An "environmental protection measure"** (task the agency to continue its efforts to develop something measurable and meaningful)

Revised Primary National Measures

Close to Subcommittee Consensus

- Human exposure under control (Currently used in RCRA)

- Contaminated Groundwater Migration Under Control (Currently used in RCRA)

Revised Primary National Measures

Suggestions for Measures that still need work

- **Acre feet of restored water** *(specify amount restored for drinking water vs. cleaned up to pose no unacceptable risk to ecological receptors)*

- **Acres of land returned to beneficial use** *(specify amount cleaned up for restricted vs. unrestricted use and acres cleaned up to pose no unacceptable risk to ecological receptors)*

Revised Primary National Measures

Proposed Measures that do not reflect consensus

- **Number of constructions completes at the OU level** (with a clear statement of caution re unintended consequences)

- **Acres of sediment restored for beneficial use** *(restricted vs. unrestricted and acres safe for ecological receptors)*

Recommendation #21

"In order to report a core set of data for all NPL sites and Program activities transparently, EPA should continue with its efforts to develop **AND IMPLEMENT** a site-level and national-level performance profile." (strike "by integrating additional measures and modifying it for a variety of audiences and activities")

Changes to Supporting Text for Recommendation #21

- Clarify paragraph 1 to emphasize the desire for both comprehensive budget transparency and the desire to compare apples to apples.

- Do not aggregate data for sites cleaned up under superfund versus other cleanup programs.

- Move the list of "additional measures" that reflect individual ideas to the appendix

- Add tracking of institutional controls

Recommendation #22: Measures of Coordination and Collaboration

- Revised text: "<u>EPA should develop measures of performance that assess the effectiveness of the agency's coordination with Tribal, state and community stakeholders.</u>"

- Add explicit reference to coordination with local government

Revisions to MPP Section

- *Add details on the value of construction complete and clarify the definition of CC (what is NOT included in it)*
- *Include a top list of national measures and keep it short.*
- *Primary National measures should reflect the primary goals of the program (both protecting human health and the environment)*
- *Include a set of national measures broader than that which is currently used by the agency*

Revisions to MPP Section (cont'd)

- *Include "sensitive environment protected" from consensus list but add suggestion that additional work be done to be able to measure this in the future or integrate additional notes on HOW to do this based on how its been done to date.*
- *Consider adding interim measures to overarching measures.*
- *On an annual basis, track sites "de-construction completed" (with explanation of why they should be tracked separately from the total number of constructions complete.)*
- *Clarify the difference between "Number of sites delisted" and "sites where all cleanup goals have been achieved"*
- *Add definitions and explanation of measures*

Revisions to MPP Section (cont'd)

- *Put the performance profile into the text (not in the appendix)*
- *Continue to support the development and implementation of the Performance Profile*
- *Change titles of each of the sections*
- *Address risk issues and terminology throughout section*
- *Consider moving last list of measures to the appendix*

Schedule

December 17 – Deadline for Subcommittee comments via on-line tool.

December 19: Final comments on December draft due from Subcommittee members

Dec. 19 – Feb. 18: Redrafting - Meridian/Ross will revise the report text based on input from the Subcommittee

January 19: Circulate a revised draft of the Report.

Feb 2: Comments due from members on final draft report

Month of Feb: Final polishing (possible meeting - Feb 11-12)
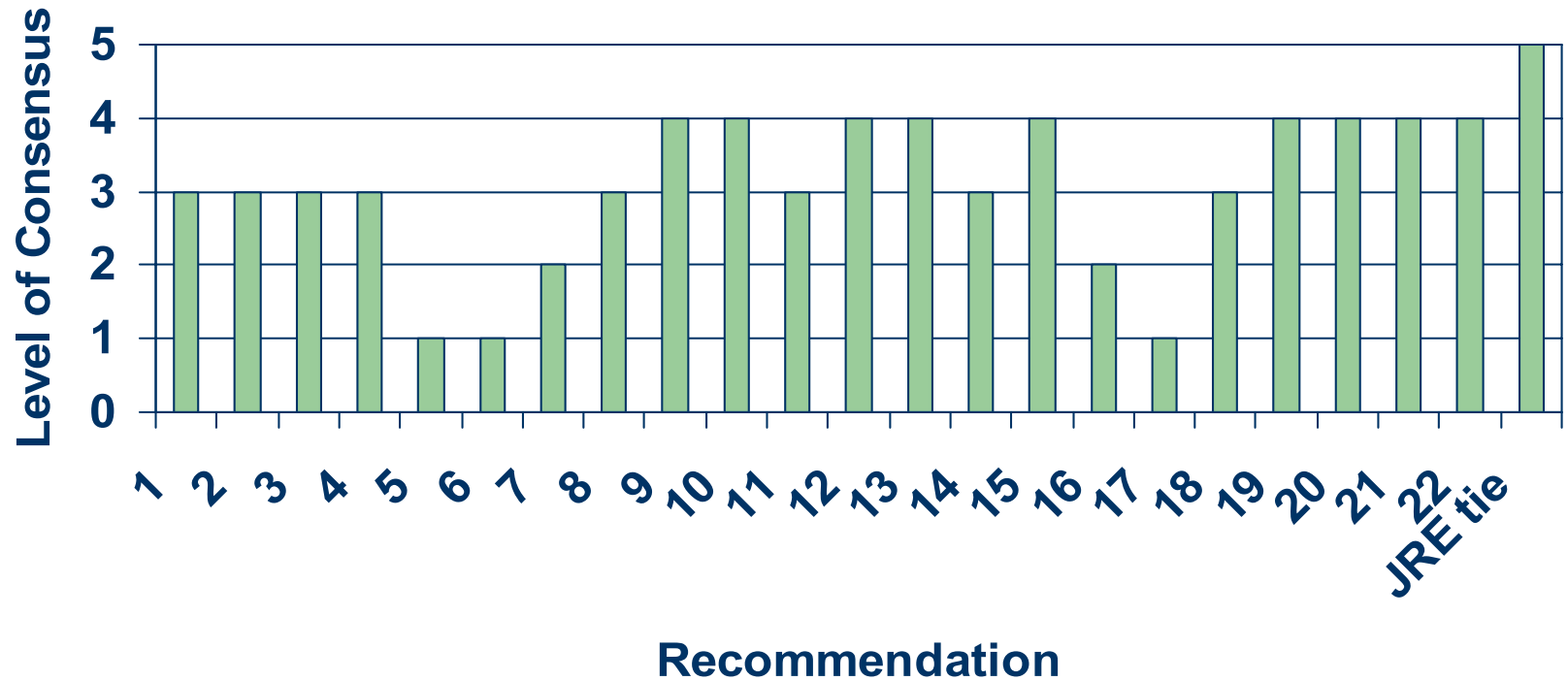
March 1: Circulate final report for sign-off
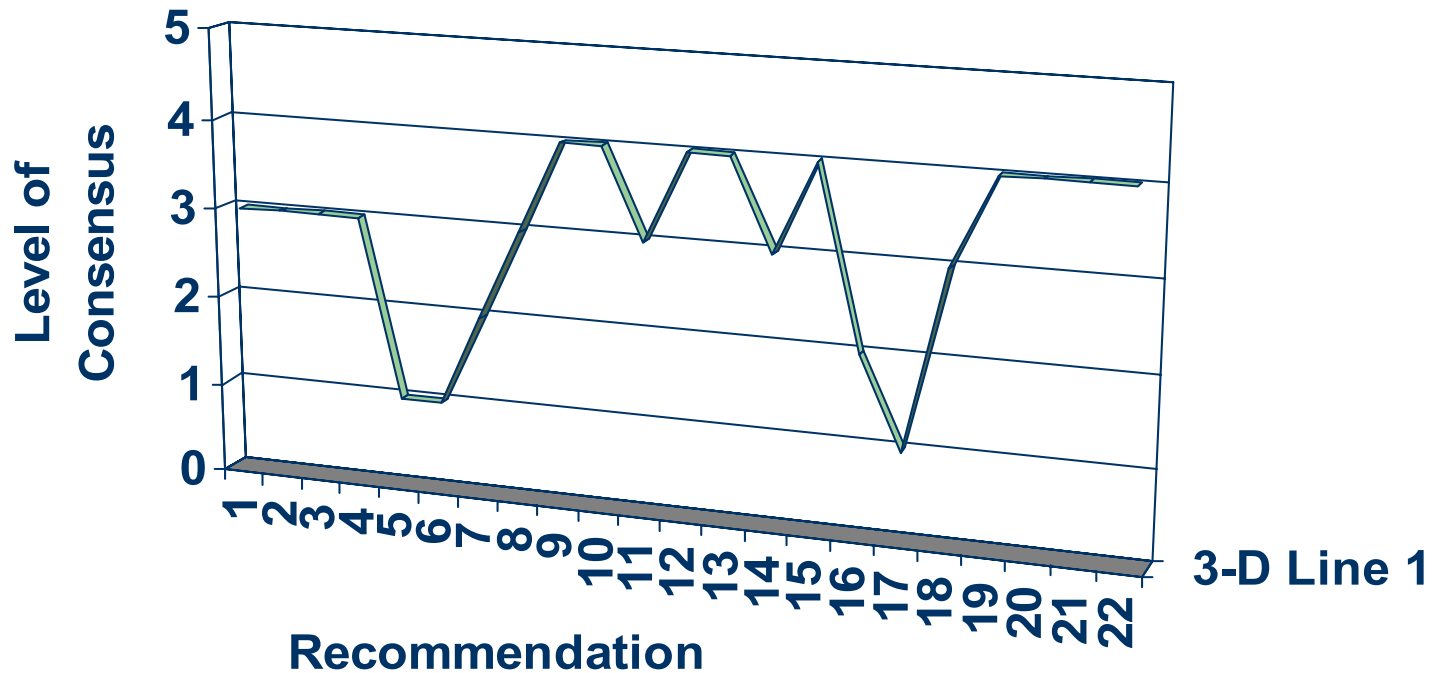
March 15: Sign off deadline

March 31: Subcommittee work ends

Spring: Formal submission to NACEPT

Background Data on the Degree of Consensus by Recommendation
(as of 12/11/03)

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